



Governor Brian Schweitzer

Montana

Department of Labor and Industry

Business Standards Division

MEMO

To: Lead Instructors, EMS Medical Directors
From: Kenneth L. Threet, Training Coordinator
Date: Wednesday, November 30, 2005
RE: Nursing Delegation Rules

In the past few months I have been contacted by various training programs and courses concerning a recent rule adoption (8.32.1721) by the Montana Board of Nurses concerning Delegation of Nursing duties.

The major concern has been regarding Advanced Delegation (8.32.1729) where a nurse may delegate IV insertion to a National Registered EMT Intermediate or Paramedic when working in the hospital setting. It has been misinterpreted and applied to the EMT student obtaining clinical experiences in the medical facility where a nurse might be the clinical preceptor. The student, obtaining clinical experience in a medical facility, is not a UAP (unlicensed assistive personnel) hired by the facility but a student allowed to do specific skills (according to the national standard curriculum to which they are being trained) with specific permission granted by the Montana Board of Medical Examiners (**24.156.2771 SCOPE OF PRACTICE (2) An EMT student may perform beyond the level of the EMT's individual licensure when functioning as a student in an approved course and under the direct observation of a clinical preceptor. The student must perform within the acts allowed at the level for which the EMT is a student candidate.**). Therefore, applying the Nursing Delegation Rule requirements to EMT students would not be necessary or possible.

The Montana Board of Medical Examiners, in an opinion dated November 19, 1999 stated that: **"...An EMT's practice is, by statute, limited to the pre-hospital scene. Section 50-6-201, Montana Code Annotated. Some Montana hospitals, however, recognizing the skills and training of the certified EMT, have begun to employ EMTs in the hospital emergency room and other in-hospital settings. Typically, the facility lists EMT-certification as a criterion for employment, then trains the person in such additional skills and techniques as may be necessary to perform the in-hospital job, e.g., phlebotomy. The facility may call the employee an "emergency department technician" or "emergency room assistant."... "** Depending on the job description of the emergency room assistant or emergency department technician and how the supervision is identified in the job description; the emergency room assistant or emergency department technician may or may not be granted their duties to perform in the medical facility by the delegation from a nurse, thus might not be subject to the constraints of the Nursing Delegation Rules. Only if the

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duties expected by the emergency room assistant or emergency department technician are actually delegated by the nurse would the delegation rule requirement apply.

It's important to mention that supervision of an employment position is not necessarily a delegation of duties or abilities to that position. An example of that would be a nurse working in a medical facility. The working nurse may be supervised by a supervisor, who happens to be a nurse, but the supervising nurse does not delegate the skills and abilities to the supervised nurse; the Montana Board of Nursing does.

If you have any further questions feel free to contact myself (841-2359) or Jeannie Worsech (841-2360) of the Montana Board of Medical Examiners.